

In re Application of DENSLOW et al.
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REMARKS

Claims 1-7, 12, 15, 16-20, 23, 24, 26 and 32 were amended to comply with the Restriction Requirement. No new matter has been added by virtue of these amendments and their entry is respectfully requested. Claims 33-39 have been withdrawn as being directed to non-elected subject matter. The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications.

Restriction Requirement

In the above-identified Office Action, the examiner set forth a restriction requirement and required election of one of the following groups under 35 U.S.C. § 121:

- Group I. Claims 1-32, drawn to a method of detecting the presence of an agent having estrogenic or androgenic activity by analyzing expression levels, classified in class 435, subclass 6.
- Group II. Claims 33-39, drawn to a substrate, classified in class 435, subclass 287.2.

In response, Applicants elect Group I, Claims 1-32, drawn to a method of detecting the presence of an agent having estrogenic or androgenic activity by analyzing expression levels, classified in class 435, subclass 6, for example.

The Examiner has also restricted the invention to a specific SEQ ID NO or a specific combination of SEQ ID NO's from the group SEQ ID NO's: 1-560. In response Applicants elect SEQ ID NO's: 146, 148, 149, 166, 167, 178, 194, 199, 200, 207, 285, 347, 424, 489, 505, 509,

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516, 519, 532-534, 542, 545, 551, 529, and 14, 15, 25, 28, 30, 42, 44, 47, 52, 61, 62, 71, 558, 555.

These combinations of SEQ ID NO's are necessary for carrying out the methods of the invention, that is, "detecting the presence of an agent having estrogenic or androgenic activity in a sample" (see, claim 1). SEQ ID NO's: 146, 148, 149, 166, 167, 178, 194, 199, 200, 207, 285, 347, 424, 489, 505, 509, 516, 519, 532-534, 542, 545, 551, and 529 are important for determining whether there is estrogen activity and the results are compared to SEQ ID NO's: 14, 15, 25, 28, 30, 42, 44, 47, 52, 61, 62, 71, 558, and 555 which detect androgenic activity. Both sets are required to determine whether an agent is estrogenic, and if, not whether it is androgenic and *vice versa*. That is, the results would confirm, based on these SEQ ID NO's: whether there is any estrogenic or androgenic activity or none of either. A negative result of one activity (e.g. estrogenic) would not necessarily mean that the other activity (e.g. androgenic) would be positive. Thus, both sets of SEQ ID NO's: are required.

The elected claims set forth, herein, are merely to comply with the Restriction Requirement and is not to be construed as surrender of any subject matter in the instant application. Applicants hereby reserve the right to pursue the subject matter of the canceled claims in one or more divisional patent applications. Applicants invite the Examiner to call the undersigned if it is believed that the above restriction election is incomplete or improper in any way, or if a telephonic interview will expedite the prosecution of the application to an allowance.

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This response is being timely filed within the shortened statutory period and no fees or extensions are believed to be due. Although, Applicants believe that no extensions of time or fees are required with submission of this paper, Applicants request that this submission also be considered as a petition for any extensions of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,



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